Remarks

Claims 1-58 are pending in the application.

Although the Office Action states that 38-52, 55, 56, and 58 are withdrawn from consideration, applicant believes this to be a mistake because applicant traversed the previously issued restriction requirement and the Office Action did not set forth any reasons as to why applicant's traversal and rational were incorrect. Furthermore, at best, these claims would be temporarily withheld from consideration, rather than withdrawn, since applicant will be entitled to consideration of these claims upon allowance of a generic claim.

Claim 54 is rejected under 35 U.S.C. 101, the Office Action stating that this claim is drawn to non-statutory subject matter.

Claims 1-9, 11, 13-18, 20-32, 34-37, 53-54 and 57 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 6,590,996 issued to Reed et al. on July 8, 2003.

Claims 10, 12, 19, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reed et al. in view of various other references.

Each of the various rejections and objections are overcome by amendments that are made to the specification, drawing, and/or claims, as well as, or in the alternative, by various arguments that are presented.

Any amendments to any claim for reasons other than as expressly recited herein as being for the purpose of distinguishing such claim from known prior art are not being made with an intent to change in any way the literal scope of such claims or the range of equivalents for such claims. They are being made simply to present language that is better in conformance with the form requirements of Title 35 of the United States Code or is simply clearer and easier to understand than the originally presented language. Any amendments to any claim expressly made in order to distinguish such claim from known prior art are being made only with an intent to change the literal scope of such claim in the most minimal way, i.e., to just avoid the prior art in a way that leaves the claim novel and not obvious in view of the cited prior art, and no equivalent of any subject matter remaining in the claim is intended to be surrendered.

Also, since a dependent claim inherently includes the recitations of the claim or chain of claims from which it depends, it is submitted that the scope and content of any dependent claims that have been herein rewritten in independent form is exactly the same as the scope and content of those claims prior to having been rewritten in independent form. That is, although by convention such rewritten claims are labeled herein as having been "amended," it is submitted that only the format, and not the content, of these claims has been changed. This is true whether a dependent claim has been rewritten to expressly include the limitations of those claims on which it formerly depended or whether an independent claim has been rewritten to include the limitations of claims that previously depended from it. Thus, by such rewriting no equivalent of any subject matter of the original dependent claim is intended to be surrendered. If the Examiner is of a different view, he is respectfully requested to so indicate.

Rejection Under 35 U.S.C. 101

Claim 54 is rejected under 35 U.S.C. 101, the Office Action stating that this claim is drawn to non-statutory subject matter. More specifically, the Office Action states that claim 54 is directed to a computer program which is merely function descriptive material.

Applicant has amended claim 54 to overcome this ground of rejection. Specifically, claim 54 has been amended to recite that the computer program is in a computer readable medium.

In re Petrus A.C.M. Nuijten, 2006-1371 (Serial No. 09/211,928) (Fed. Cir. Sept. 20, 2007), page 6, cites approvingly the allowance of a claim for a storage medium having stored thereon a signal with embedded supplemental data, where the stored signal has properties prescribed in that claim. "Thus, Nuijten has been allowed claims to the process he invented, a device that performs that process, and **a storage medium holding the resulting signals**." (emphasis added) Claim 54 of the instant application is similar the storage medium claim of Nuijten, but directed to software, and thus, claim 54 is directed to allowable subject matter. Furthermore, claim 54 has been amended to indicate that, when executed by a computer, the modules therein are adapted to cause a computer to automatically perform a prescribed function. Thus, a relationship with a computer is recited.

Consequently, claim 54 is directed to statutory subject matter.

Rejection Under 35 U.S.C. 102

Claims 1-9, 11, 13-18, 20-32, 34-37, 53-54 and 57 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 6,590,996 issued to Reed et al. on July 8, 2003.

This ground of rejection is respectfully avoided for the following reasons.

Reed et al. does **not** teach to place the bits of watermark data into at least one selected bit of an average value of a chrominance portion over a block of the video signal, as required by applicant's independent claim 1. Rather, Reed et al. teaches employing the average color of the block to look up the corresponding color channels in which to embed the additional data. (See Reed et al. column 2, lines 40-52, column 38, lines 10-47.) However, in Reed et al., the additional information is **not** encoded so that it is carried by the average value, as required by applicant's claims. Furthermore, the modifications of the image to add thereto the watermark data by Reed et al. do not place the actual bit values of the watermark data into at least one selected bit of the average value of the chrominance potion of a block. (Again, see Reed et al. column 2, lines 40-52, column 38, lines 10-47.)

Similarly, Reed et al. does **not** teach adding information to pixels of the block of the video signal to thereby cause a change in the average value of a selected chrominance portion so as to incorporate at least a portion of additional watermarking data within a changed average value, as required by applicant's independent claims 23, 34, 53, 54, 57, and 58. This is because, as mentioned, in Reed et al., the additional information is not encoded so that it is carried by the average value.

Note that lines 29-36 of column 15 of Reed et al., cited by the Office Action in support of its position, do not teach that for which they are set forth by the Office Action. Rather, these lines appear to teach that the message inserted may be multiple bits or as small as a single bit. They do **not** teach that such bit is inserted in an average of the chrominance portion. Similarly, column 2, lines 50-51, of Reed et al., appears to teach along the lines of that which was mentioned above, namely, that the average color of the block is used to look up the corresponding color channels in which to embed the block.

But again, it does **not** teach that the additional information is encoded so that it is carried by the average value, or even the average color.

Regarding independent claims 38, 50, 55, 56, and 58 which are directed to recovering the watermark data from a watermarked video signal, these claims extract the watermark data from the average value of one of the chrominance portions. Since Reed et al. does **not** place watermark data in the average value of any of chrominance portions, Reed et al. can**not** recover watermark data from the average value of any of chrominance portions. Consequently, independent claims 38, 50, 55, 56, and 58 are allowable over Reed et al.

Since all of the dependent claims that depend from the currently amended independent claims include all the limitations of the respective independent claim from which they ultimately depend, each such dependent claim is also allowable over Reed et al. under 35 U.S.C. 102.

Rejection Under 35 U.S.C. 103(a)

Claims 10, 12, 19, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reed et al. in view of various other references.

Each of these grounds of rejection applies only to dependent claims, and each is predicated on the validity of the rejection under 35 U.S.C. 102 given Reed et al. Since the rejection under 35 U.S.C. 102 given Reed et al. has been overcome, as described hereinabove, and there is no argument put forth by the Office Action that any of the additional references supplies that which is missing from Reed et al. to render the independent claims anticipated, these grounds of rejection cannot be maintained.

Therefore, applicant's claims 10, 12, 19, and 33 are allowable over Reed et al. under 35 U.S.C. 103(a).

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Conclusion

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

If, however, the Examiner still believes that there are unresolved issues, he is invited to call applicant's attorney so that arrangements may be made to discuss and resolve any such issues.

In the event that an extension of time is required for this amendment to be considered timely, and a petition therefor does not otherwise accompany this amendment, any necessary extension of time is hereby petitioned for, and the Commissioner is authorized to charge the appropriate cost of such petition to the **Alcatel-Lucent USA Inc. Deposit Account No. 12-2325.**

Respectfully,

M. H. Zarrabizadeh

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Alcatel-Lucent USA Inc.

Date: October 13, 2009